

**Notice of Allowability**

Application No.

10/777,300

Examiner

Kidest Bahta

Applicant(s)

BRODEUR ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/30/05.
2. ☒ The allowed claim(s) is/are 1-29,33-37 and 41-61.
3. ☒ The drawings filed on 06 March 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6/24/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Allowable Subject Matter***

1. Claims 1-29, 33-37 and 41-61 are allowed.

The following is an examiner's statement of reasons for allowance:

The allowability of the independent claims 1, 20 and 41, resides, at least in part, in that closest prior art of record Bearden (U. S. Patent 6,167,965) does not disclose or suggest, alone or in combination, operate according to a first mode of operation, wherein during the first mode of operation the controller generates a valve control signal based on a differential between the first pressure and the second pressure; operate according to a second mode of operation, wherein during the second mode of operation the controller generates the valve control signal based on a measured pressure at a particular pressure sensor; and switch between the first mode of operation and the second mode of operation according to a predefined parameter, in combination with the other elements and features of the claimed invention.

The allowability of the independent claims 11 and 50, resides, at least in part, in that closest prior art of record Bearden (U. S. Patent 6,167,965) does not disclose or suggest, alone or in combination, operate according to a first mode of operation, wherein the computer instructions are executable to calculate a flow rate based on a differential between the first pressure and the second pressure; operate according to a second mode of operation, wherein the computer instructions are operable to calculate the flow rate based on a measured pressure at a particular pressure sensor; and switch between the first mode of operation and the second mode of operation according to a

predefined parameter, in combination with the other elements and features of the claimed invention

The allowability of the independent claims 33, 56 and 59, resides, at least in part, in that closest prior art of record Bearden (U. S. Patent 6,167,965) does not disclose or suggest, alone or in combination, determine a differential between the measured pressures; and determine a control resolution based on the differential between the measured pressures, the valve position and a valve resolution, in combination with the other elements and features of the claimed invention

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

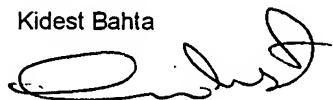
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kidest Bahta

A handwritten signature in black ink, appearing to read 'Kidest Bahta', written over a horizontal line.

July 7, 2005